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Case P116

IN THE UNITED STATES PATENT AND TRADEMARK
OFFICE

In the Application of
Allan Lepine
Serial No.: 09/163,778
Date Filed: September 30, 1998

: Group Art Unit 1761
: Examiner Milton I. Cano
:

FOR CANINE MILK SUBSTITUTE

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to withdraw a holding of abandonment pursuant to 37 CFR 1.181(a) and MPEP 711.03(c)(1). The attached Notice of Abandonment, dated October 28, 2003, states that Applicant's U.S. Patent Application Serial No. 09/163,778, filed September 30, 1998, was abandoned due to Applicant's failure to timely respond to the Office Action dated June 27, 2003.

Applicant respectfully petitions the Honorable Assistant Commissioner for Patents to reconsider and withdraw the holding of abandonment for failure to prosecute the above-identified application for the following reason:

The last communication Applicant received from the USPTO was a Decision on Appeal before the Board of Patent Appeals and Interferences dated June 27, 2003, providing for submission of an appropriate amendment within two months of the date of the Decision. Applicant timely filed such an amendment, which was responsive to all issues set forth by the Board, on August 20, 2003. The USPTO indicated receipt of such amendment, as evidenced by a return postcard acknowledged on August 22, 2003.

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Applicant has enclosed a copy of the Amendment, the Information Disclosure Statement, the PTOSH08 (with attachment of a full translation of EP 0,259,713) and a copy of the postcard evidencing the date such documents were received at the USPTO. No fee is believed to be due.

WHEREFORE, Applicant respectfully requests that this petition be accepted and the above-identified application be reinstated for prosecution, as allowed under MPEP 711.02 and 711.03.

Respectfully submitted,

By Kelly J. McDow-Dunham
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November 5, 2003
Customer No. 27752

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